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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/588,013 | 08/01/2006 | Wolfgang Voss | SCHULTE | 1385 |

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11/22/2010

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| EXAMINER |
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MCCALISTER, WILLIAM M

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| ART UNIT | PAPER NUMBER |
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3753

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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| <i>Advisory Action Before the Filing of an Appeal Brief</i> | Application No. 10/588,013 | Applicant(s) VOSS, WOLFGANG | |
| | Examiner WILLIAM MCCALISTER | Art Unit 3753 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 November 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: *The amendment to claim 18 would require further search and consideration. As explained at pages 3 and 4 of the final rejection, the broadest reasonable interpretation of the phrase "seal ring ON the movable closure" includes a seal ring that is IN CONTACT WITH a movable closure, as disclosed by Voss. To the contrary, Voss does not disclose a "seal ring IN the movable closure" as claim 18 has been amended to require. As such, further search would be required. (See 37 CFR 1.116 and 41.33(a)).*

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 15-22 and 24-33.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Applicant argues that claim 15 requires a sealing ring that could not expand in both radial directions upon the application of fluid pressure. The examiner disagrees. In this regard, claim 15 only requires "wherein the seal ring is displaceable towards the consumer connection due to flow of the pressurized fluid on sides of the seal ring including the second side away from the consumer connection". Although it is agreed that the mode of operation of this claimed feature as disclosed by Applicant does not result in simultaneous expansion of the o-ring in both radial directions, limitations from the specification are not read into the claims. (This also goes for Applicant's arguments describing the various distinctions between Voss and the disclosed invention, Remarks, pp. 5-8, 10-11). Further, Applicant does not explain how Voss' seal would necessarily expand in both radial directions upon the application of fluid pressure, as was agreed to in the interview in order to overcome the Voss reference. Also as previously explained, Voss' disclosure of different hardnesses of the various o-rings does not imply that some are not displaceable, since all material is inherently flexible to some degree, especially that used in o-rings. As also previously explained, the statement that "Voss does not teach..." for purposes of setting forth a prima facie case of obviousness should not be taken to inform the anticipation analysis wherein, under an alternative interpretation, Voss is deemed to disclose all claimed features. It is also noted that the limitation "beveled funnel type partition to accommodate a square seal" is seen as reciting a capability of the funnel type partition, and not as reciting a square seal. Also, Voss is not seen as demanding a certain shape of o-ring, and Applicant has provided insufficient evidence to support such a contention, and thus the obviousness analysis utilizing the Farley reference is still seen as proper..

/STEPHEN M HEPPERLE/
Supervisory Patent Examiner, Art Unit 3753

/WILLIAM MCCALISTER/
Examiner, Art Unit 3753